

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAMONT MIKELL,

Plaintiff,

-v-

No. 15-cv-7273-LTS-JCF

THE CUTTING EDGE ELITE INC. and
JEREMY WALDON,

Defendants.

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ORDER

Plaintiff Lamont Mikell (“Plaintiff”) has moved to amend the complaint to add Luis Mendieta and Nathan Perry as defendants. (Docket Entry No. 15.) Defendants The Cutting Edge Elite, Inc. and Jeremy Waldon (collectively, “Defendants”) oppose the motion and have moved to dismiss the complaint as against Jeremy Waldon. (Docket Entry No. 17.) On September 28, 2016, Magistrate Judge James C. Francis IV issued a Report and Recommendation to this Court (the “Report”), recommending that the plaintiff’s motion be denied and the defendants’ motion be granted. (Docket Entry No. 31.) Any objections to the Report were due by October 17, 2016. (Id.) No objections to the Report have been filed by either party.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1) (C) (LexisNexis 2016). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262

F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted).

Having reviewed Magistrate Judge Francis' well-reasoned Report, to which no objection has been made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, Plaintiff's motion to amend the complaint to add Luis Mendieta and Nathan Perry as defendants is denied and the Defendants' motion to dismiss the complaint as against Jeremy Waldon is granted. This Order resolves docket entry number 15, 17, and 31.

SO ORDERED.

Dated: New York, New York
October 20, 2016

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

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